

REMARKS

Claims 45-46 have been added. No new matter has been added. Thus, claims 20-25, 31-34, 36, 38, and 40-46 are pending in the present application.

In the Office Action, claims 20, 23-24, 31, 33-34, 36, 39-40, and 43-44 were rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Lee, et al, "Unequal Error Protection for Foveation-Based Error Resilience Over Mobile Networks," IEEE, vol. 2, pgs 140-143, September 10-13, 2000, hereinafter referred to as "the first Lee article." The Examiner's rejections are respectfully traversed.

Applicants will submit, under a separate cover, an affidavit under 37 CFR 1.131 establishing invention of the claimed subject matter by Applicants prior to the effective date of the first Lee article. Thus, Applicants respectfully submit that the first Lee article is not available at prior art under 35 U.S.C. 102(a) and request that the Examiner's rejections of claims 20-25, 31-34, 36, 38, and 40-44 be withdrawn.

In the Office Action, claims 20-25, 31-34, 36, 38, and 40-44 were rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Lee, et al, "Foveation-Based Error Resilience for Video Transmission over Mobile Networks," IEEE, vol. 10, pgs 1451-1454, July 30-August 2, 2000, hereinafter referred to as "the second Lee article." The Examiner's rejections are respectfully traversed.


The present application claims priority to Provisional Patent Application Serial No. 60/221316 filed on July 28, 2000, which includes the subject matter disclosed in the second Lee article. Thus, Applicants respectfully submit that the second Lee article is not available as prior art under 35 U.S.C. 102(a) and request that the Examiner's rejections of claims 20-25, 31-34, 36, 38, and 40-44 be withdrawn.

Moreover, since neither the first Lee article nor the second Lee article are prior art under 35 U.S.C. 102(a), Applicants respectfully submit that the amendments presented in the present Response, as well as the amendments presented in the Response filed on July 17, 2003, were not narrowing amendments submitted to overcome a rejection over prior art and, moreover, were not submitted to patentably distinguish the present invention over prior art. Thus, Applicants believe that these amendments, or any arguments submitted therewith, have not created an estoppel.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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